

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-13555-scc

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5 In the Matter of:

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7 LEHMAN BROTHERS HOLDINGS INC.,

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9 Debtor.

10 - - - - - x

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12 United States Bankruptcy Court

13 One Bowling Green

14 New York, NY 10004

15

16 February 5, 2018

17 10:13 AM

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21 B E F O R E :

22 HON SHELLEY C. CHAPMAN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO: KAREN

1 HEARING re RMBS Claims Estimation Trial

3 HEARING re Motion to Strike / Motion (I) To Enforce

4 Settlement Agreement, (II) To Direct Plan Administer To

5 Withdraw Certain Testimony Presented At Estimation

6 Proceeding Or (III) Alternatively, To Strike Such Testimony

7 (related document(s)[55650]) filed by Daniel A. Fliman on

8 behalf of BlueMountain Capital Management LLC and

9 Affiliates, Deer Park Road Management Company, LP, FFI Fund

10 Ltd., FYI Ltd., Olifant Fund, Ltd., Poet Advisors, Prophet

11 Capital Asset Management, Strongbow Fund Ltd., Tilden Park

12 Capital Management LP, Tricadia Capital Management, LLC,

13 Whitebox Advisors LLC

25 Transcribed by: Sonya Ledanski Hyde

1 A P P E A R A N C E S :

2

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23 BY: DANIEL P. GOLDBERG

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25 DWIGHT A. HEALY

1 P R O C E E D I N G S

2 THE COURT: Okay. Good morning, everyone. For
3 reasons unrelated to the merits -- please, have a seat --
4 For reasons unrelated to the merits of the case in any way,
5 the closing arguments that were scheduled to begin today are
6 going to be adjourned. And we do not know until when.
7 Until what date. But, since everyone was assembled and we
8 have folks on the phone, I thought it was important to make
9 a public announcement of the adjournment.

10 What will happen, and again, I can't tell you when
11 it will happen, but, as and when the closing arguments are
12 rescheduled, there will be a notice filed in the public
13 dockets so those of you wish to participate either here in
14 person or by phone will be apprised. So that's about all
15 the information that I can give you. And I wish you a good
16 day.

17 There are a number of miscellaneous matters
18 though, that we have related to certain evidentiary issues
19 and the like. So, if I could ask the parties to assemble
20 the relevant people, perhaps we can take that up in a few
21 minutes.

22 MAN 1: Thanks, Judge.

23 THE COURT: All right. Mr. Goldberg, Mr. Cosenza,
24 all right, thank you very much.

25 MAN 1: Thank you, Your Honor.

1 (Recess)

2 THE COURT: All right. Thank you to everyone --
3 please have a seat -- to everybody for sticking with us
4 here. There was a motion filed on the docket on February
5 2nd. It appears at docket 57616. And it's a motion filed
6 by -- to enforce settlement agreement and asking for related
7 relief filed by the Kasowitz firm on behalf of the so called
8 Investor Group. We've had an opportunity to have some
9 discussions and believe that the parties are prepared to put
10 a consensual resolution of the issues raised in the motion
11 on the record.

12 So, Mr. Cosenza, do you want to take a shot at it?

13 MR. CONSENZA: Thank you, Your Honor. Yes, thank
14 you, Your Honor. So I think we had some discussions with
15 Your Honor on this point and with Mr. Fliman from the
16 Kasowitz group. I think we have all reached a consensual
17 resolution of the motion and that Your Honor will not
18 consider any evidence that's inconsistent with the parties'
19 settlement agreement in connection with your ruling after
20 closing on the Plan Administrator's motion to estimate the
21 claim at \$2.38 billion.

22 THE COURT: Okay, thank you. Mr. Fliman.

23 MR. FLIMAN: Good morning, Your Honor. For the
24 record, Daniel Fliman, Kasowitz Benson Torres on behalf of
25 the Investor Group. I agree with counsel's representation.

1 That's where we are, Your Honor.

2 THE COURT: Okay. Very good. And I will conduct
3 myself consistent with your resolution of this. And with
4 that, as a technical matter, should the record reflect that
5 the motion has been withdrawn, or simply resolved? Along
6 those lines.

7 MR. CONSENZA: Resolved, Your Honor.

8 THE COURT: Resolved.

9 MR. FLIMAN: Resolved, Your Honor.

10 THE COURT: Okay. Very good. Thank you very
11 much, and Mr. Fliman a special thanks to you for making
12 yourself available on such short notice, so that we could
13 get this resolved.

14 MR. FLIMAN: Thank you, Your Honor.

15 THE COURT: Okay.

16 MR. CONSENZA: Thank you, Your Honor.

17 THE COURT: All right. I think we're now done for
18 the day and we'll see what happens next.

19 MR. FLIMAN: Great.

20 MR. CONSENZA: Thank you, Judge.

21 (Whereupon these proceedings were concluded at
22 11:28 AM)

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I N D E X

RULINGS

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and Related Relief Resolved		

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing
transcript is a true and accurate record of the proceedings.

Sonya Ledanski
Hyde

Digitally signed by Sonya Ledanski
Hyde

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Date: February 6, 2018